



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
DARRELL V. MCGRAW, JR.
CONSUMER PROTECTION DIVISION
1-800-368-8808 or 304-558-8986

Press Release

December 2, 2002

FOR IMMEDIATE RELEASE CONTACT: DOUGLAS L. DAVIS
1-800-368-8808
304-558-8986

**ATTORNEY GENERAL DARRELL V. MCGRAW, JR.
APPEALS MICROSOFT REMEDY DECISION**

Attorney General Darrell V. McGraw, Jr., has joined Massachusetts today in a stand against Microsoft Corporation, filing an appeal of the remedy issued by the trial court November 1, 2002. West Virginia was one of 19 state attorneys general who, along with the United States Department of Justice, brought a lawsuit against Microsoft in 1998, in which Microsoft was found to have violated federal and state antitrust laws.

Although the United States District Court in Washington, D.C., found that Microsoft Corporation violated federal and state antitrust laws, the court largely sided with Microsoft in its decision on how to remedy the unlawful conduct. The court's decision modified Microsoft's proposal by providing stronger compliance provisions, including the court retaining jurisdiction of the matter for the next five years. However, the court failed to impose sanctions that will remedy the unlawful co-mingling of computer software code that the federal court of appeals specifically agreed was an antitrust violation.

In making the decision, Attorney General McGraw said, "We have preserved our appeal. No reputable government should plea poverty and allow an adjudicated lawbreaker to retain their ill-gotten gains."

The lawsuit, originally filed in 1998, pitted 19 state attorneys general and the Department of Justice against the world's largest software producing company. The trial court ordered the corporation broken into two companies after a lengthy bench trial. Microsoft appealed that decision to the U.S. Court of Appeals for the District of Columbia Circuit which affirmed the trial court's finding of law breaking, but reversed the order splitting the company in two. The trial court then ordered the parties to engage in settlement negotiations which resulted in nine states and the Department of Justice settling their cases. Of the remaining nine states and the District of Columbia, seven of the states and the District of Columbia have declined to file an appeal.

###